

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 3, 2002

DIVISION ONE

B151422 People (Not for Publication)
v.
Villalobos

The judgment is reversed as to count 3. In all other respects, the judgment is affirmed. The matter is remanded for the trial court to enter a judgment of acquittal on count 3, to issue a new abstract of judgment, and to send it to the Department of Corrections.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B153092 People (Not for Publication)
v.
Quiroga

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

October 3, 2002 (Continued)

DIVISION ONE (Continued)

B157278 People (Not for Publication)
v.
Lonnie Lee Manuel

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B152362 Jehan Zeb Mir (Not for Publication)
v.
Phoenix Healthcare Consulting et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B150367 Avak Avakian (Not for Publication)
v.
Meher Der Ohanessian

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B155014 McDowell (Not for Publication)

v.
State Personnel Board
State of California et al.

The judgment is affirmed. The parties are to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B144648 Community Redevelopment Agency (Not for Publication)
B146021 of the City of Los Angeles

v.
Berkett et al.

On plaintiff CRA's appeal, we affirm the judgment for defendants. On defendants' cross-appeal, we reverse the post-judgment order denying defendants' motion for litigation expenses under Code of Civil Procedure section 1250.410. We dismiss the appeal from the post-judgment order granting the motion to tax costs. On remand, we direct the trial court to enter a new order granting the motion for attorney and appraiser fees in an amount to be determined by the trial court upon consideration of the evidence submitted by the parties. Defendants are awarded their costs and attorney fees on the appeal and cross-appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

October 3, 2002 (Continued)

DIVISION THREE

B157441 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B146611 Willi Foster (Not for Publication)
v.
The Boeing Company, et al.

The judgment is affirmed. The defendants Boeing and Perez shall recover their costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B153185 Ofelia Rubio, et al. (Not for Publication)
v.
Society of Hispanic Professional Engineers, et al

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B151219 Edgar Mosely (Not for Publication)
 v.
 First U.S.A. Bank

The summary judgment is reversed and the case is remanded for further proceedings consistent with the views expressed herein. Plaintiff shall recover his appellant costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B150210 Kisha Shephard (Certified for Partial Publication)
 v.
 Loyola Marymount University

The judgment is affirmed. Defendants are entitled to their costs on appeal from plaintiff, Kisha Shephard.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B152902 Wilbert Sonnier (Not for Publication)
 v.
 County of Los Angeles, et al

The judgment is affirmed. Defendants are awarded their costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B155441 People (Not for Publication)
v.
Fleming Delona Lewis, Jr.

The conviction and sentence for attempted grand theft auto, and the true finding of a prior serious felony conviction in case number A756352 and the five-year enhancement, are reversed;. The aggregate term for the Penal Code section 667, subdivision (a) enhancements is reduced to 15 years. The clerk of the superior court is ordered to correct and modify the abstract of judgment to reflect the sentence ordered by the trial court and the reversal of the attempted grand theft auto conviction and one of the five-year priors and forward a copy of the corrected and modified abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B153074 People (Not for Publication)
v.
Rene Bracamontes

The sentence must be corrected to impose the mandatory 10-year enhancement consecutive to the three-year sentence in count 2. But is bears emphasis that once the additional term is imposed, the sentence is to be served concurrently. As directed by the trial court, that 13-year sentence shall be served concurrently with the 15-year sentence imposed in count 1 and the fact it is to run concurrently. The clerk of the superior court shall correct the abstract of judgment to reflect the imposition of the section 12022.53, subdivision (b) 10-year enhancement as to count 2.

The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment, which accurately sets forth the enhancements imposed as to both counts 1 and 2 pursuant to Penal Code section 12022.53, subdivision (b). The total period of physical confinement shall remain the same. In all other respects, the judgment is affirmed.

Turner, P.J.

I concur: Grignon, J.
I concur in the result: Mosk, J.

DIVISION FIVE (Continued)

B155481 People (Not for Publication)
v.
Francis Alexander Toones

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B156028 People (Not for Publication)
v.
Gildardo V. Nunez

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B156844 People (Not for Publication)
v.
Horacio Garcia

The clerk of the superior court is ordered to prepare an amended abstract of judgment showing that appellant has 297 days of actual local time, 148 days of local conduct credits and 445 days of total custody credit, and to deliver a copy of the amended abstract to the Department of Corrections. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

I concur: Grignon, Acting P.J.
I concur in the result: Mosk, J.

DIVISION FIVE (Continued)

B157252 Paul Janossy, et al.
v.
Washington Mutual Bank

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J., Munoz, J. (Assigned) and Eva McClintock, Deputy Clerk.

Each of the following:

B149593 People v. Tillman
B150648 People v. Cisneros
B152472 People v. Shaw
B153318 People v. Doles
B153935 People v. Forward
B154362 People v. Ariza
B154458 People v. Perrin
B155049 People v. Marcos
B155453 People v. Snell
B156972 People v. Amanuel G.
B156583 People v. Hanson
B151478 Kashfi v. LA Coin Wrapping
B155358 DCFS v. Grace W.
B155759 DCFS v. Rebecca S.
B158210 DCFS v. Jemier C.
B160178 Geranell D. v. SCLA
B160193 Robert J. v. SCLA

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B150880 Ballenger, et al.
 v.
 LifeUSA Insurance Co.

Merits:

Argued by Lauren Linde for respondent and argument previously waived by appellants. Party stipulated to Justice Lillie's participation by listening to the audiotape of oral argument. Cause submitted.

B149649 People
 v.
 Castro

Merits:

Argued by Debi Ramos for appellant and by Adrian Tigmo for respondent. Parties stipulated to Justice Lillie's participation by listening to the audiotape of oral argument. Additional briefing requested addressing *People v. Gibson*. Appellant has 5 days to submit letter brief and respondent has 5 days thereafter to respond. Submission is deferred until respondent's letter brief is filed.

B151622 People
 v.
 Secrest

Merits:

Argued by Leonard Klaif for appellant and by Jennifer Jadovitz for respondent. Parties stipulated to Justice Lillie's participation by listening to the audiotape of oral argument. Cause submitted.

B152597 People
 v.
 Alonso

Merits:

Argued by Patricia Ulibarri for appellant and by Russell Lehman for respondent. Parties stipulated to Justice Lillie's participation by listening to audiotape of oral argument. Cause submitted.

DIVISION SEVEN (Continued)

B153167 Bylund, et al.
 v.
 Countrywide Home, et al.

Merits:

Argued by Jonathan Turner for appellants and by Thomas Falvey for respondents. Parties stipulated to Justice Lillie's participation by listening to audiotape of oral argument. Cause submitted.

B151700 Thianmethakun, et al.
 v.
 City of Monterey Park

Merits:

Argued by John Gerard for appellants and by Ravi Sudan for respondent. Additional briefing requested addressing *Zelig* case. Appellant to file letter brief in 5 business days and respondents will have 5 business days thereafter to file their letter brief. Briefs are limited to 5, single-spaced pages. Submission is deferred until the filing of the respondent's letter brief.

B159409 Clarey
 v.
 Superior Court, Los Angeles County
 (Sheppard Mullin et al., r.p.i.)

Merits:

Argued by Don Howarth for petitioner and by Brad Brian for real parties in interest. Parties stipulated to Justice Lillie's participation by listening to audiotape of oral argument. Cause submitted.

Court recessed at 11:09 A.M.

DIVISION SEVEN (Continued)

Court reconvened at 2:00 P.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J., Munoz, J. (Assigned) and Eva McClintock, Deputy Clerk.

B147838 People
 v.
 Shakir

Merits:

Argued by Dale Dombkowski for appellant and by Roy Preminger for respondent. Parties stipulated to Justice Lillie's participation by listening to audiotape of oral argument. Cause submitted.

B153396 Weisberg, et al.
 v.
 Lerner Beswick Weiss, et al.

Merits:

Argued by Nina Scholtz for appellants and by Richard Stavin for respondents. Additional briefing requested addressing *Village Nursery v. Greenbaum* case. Letter briefs are limited to 5-10, single-spaced pages with appellant's brief due within 5 days and respondent's due 5 days thereafter. Submission is deferred until the filing of respondent's brief.

B152243 Rasmussen
 v.
 L.A. Co. Sheriff's Dept., et al.

Merits:

Argued by Mark Meyeroff for appellants and by Michael Morguess for respondent. Parties stipulated to Justice Lillie's participation by listening to audiotape of oral argument. Cause submitted.

B153197 Madhani
 v.
 Glen Cooper, et al.

Merits:

Argued by Charles Agege for appellant and by E. Susie Wendorff for respondents. Parties stipulated to Justice Lillie's participation by listening to audiotape of oral argument. Cause submitted.

DIVISION SEVEN (Continued)

B151505 Streetscenes, et al.
 v.
 ITC Entertainment, et al.

Merits:
Argued by Mark Epstein for appellants and by Gerald Fox for respondents.
Cause submitted.

B153210 Jackson
 v.
 Snider, et al.

Merits:
Argued by Carlos Jackson for appellant and by Steve Cochran for
respondents. Parties stipulated to Justice Lillie's participation by listening
to audiotape of oral argument. Cause submitted.

B155411 City of Hope, et al.
 v.
 Bryan Cave, et al.,
 Weil Gotshal & Manges, et al.

Merits:
Argued by James Colbert and Mark Krom for appellants and by Alan
Friedman for respondents. Cause submitted.

Court adjourned at 5:11 P.M.